



Intermountain Forest Association

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Ms. Nancy Sutley
Chair, Council on Environmental Quality
The White House
Washington, DC 20500

Dear Chairwoman Sutley:

Thank you for the opportunity to provide comments on the draft document titled "Improving the Process for Preparing Efficient and Timely Environmental Reviews under the National Environmental Policy Act."

The Intermountain Forest Association (IFA) represents forest products companies in Colorado, South Dakota, and Wyoming who are heavily affected by management of the national forests. IFA wants to improve the health of the national forests, and reduce the threats of insects, disease, and wildfires. IFA also supports federal timber sales to improve forest health and to supply raw material for forest products companies that provide important manufacturing jobs in rural communities. IFA, and its members, regularly participate in the NEPA process, including the adoption of regulations, preparation of forest plans, and implementation of projects such as timber sales.

In an October 26, 2011 hearing before the House Resources Committee, Chairwoman Sutley responded to a question from SD Representative Kristi Noem as follows – "We think NEPA is an important process for understanding environmental impacts of federal actions and don't think it needs to get in the way of important actions, and we will continue to work with the Forest Service on that". Unfortunately, however, NEPA compliance is too often a major part of the 'analysis paralysis' associated with federal land management, and NEPA compliance routinely does get in the way of important actions.

Implementing the current CEQ NEPA regulations has slowed national forest decision-making to a crawl, adding little value to decisions while swelling the cost of the process. We are disappointed that the Draft NEPA Guidance merely cites from the existing CEQ regulations that have not been amended in over three decades, and does nothing to address changes that could improve the process. We would like to see a substantive

proposal on how to update existing directives and regulations to streamline NEPA analyses, reduce costs, and provide more focus on analysis of genuine environmental issues and less on providing an encyclopedia of information.

Consider the following statements from the Draft Guidance -

“Agencies are encouraged to concentrate on environmental analysis in their EAs and EISs, not to produce an encyclopedia of all applicable information. Environmental analysis should focus on significant issues, discussing insignificant issues only briefly. Impacts should be discussed in proportion to their significance, and if the issues are not deemed significant there should be only enough discussion to show why more study is not warranted.”

“The CEQ Regulations indicate that the text of a final EIS that addresses the purpose and need, alternatives, affected environment, and environmental consequences should normally be less than 150 pages and a final EIS for proposals of unusual scope or complexity should normally be less than 300 pages.”

Those statements have been in the CEQ Regulations for the past 30 years. Yet, Forest Service NEPA documents typically are an encyclopedia of all applicable information instead of an analysis focused on significant issues. Despite the expectation that an FEIS should normally be less than 150 pages, most timber sale EISs are 200-300 pages; for example, the FEIS for the Pactola Project on the Black Hills NF, a typical FEIS for a typical project, was 351 pages, and that was for a routine project in compliance with forest plan Standards and Guidelines, which were already analyzed in the forest plan FEIS.

The Forest Service spends an inordinate amount of time conducting NEPA on Forest Plans, and then proceeds to replicate that analysis for proposed projects on the same national forest units. As noted, there are a number of options available which should eliminate this duplicative work, including “Early NEPA Integration in Planning” (pages 6 – 8), “Incorporation by Reference” (page 12), and “Clear Timelines for NEPA Reviews.” However, reiterating these compliance practices will only be helpful if the CEQ engages with the Forest Service in a concerted effort to streamline NEPA compliance and reduce costs.

An example of where the CEQ has provided tangible help in reducing an agency’s costs and analytical burden is direction about what is required to assess past cumulative effects. CEQ issued a “guidance” letter explaining that an agency can rely on existing environmental conditions as a measure of past cumulative effects rather than having to enumerate for every past action, i.e., the day and hour it occurred, its exact location, the type of silvicultural treatment applied, and logging system used.

Other CEQ guidance and/or regulatory direction that would be helpful include:

-A process to allow prompt analysis and decisions for insect epidemics, fire salvage, and other situations that may not qualify as emergency, but nevertheless are very time-sensitive. Currently, EAs or EISs for those types of projects typically require a year, during which time the beetle epidemics have continued to expand, and/or the beetle-killed or fire-killed trees have deteriorated significantly.

-Programmatic NEPA documents, to allow decisions for scattered, small projects, such as insect outbreaks, in advance.

-Limiting analyses to a single action alternative, plus the No Action Alternative. In many cases, there is simply little value in constructing and analyzing additional alternatives, and the only accomplishment is increasing the Forest Service's costs and time.

-Expanded use of Categorical Exclusions for forest management actions, especially forest health projects and time sensitive response to beetle outbreaks and fire mortality.

In conclusion, IFA encourages the CEQ to consider amending its 30-year old regulations with the objective of truly reducing the costly and time consuming analytical process under NEPA and building on favorable court opinions that hold that every last scientific report and every environmental uncertainty need not be examined in the NEPA documents.

Thank you for your consideration.

Tom Troxel

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